

### REMARKS

Claims 1-12 are pending, with claims 1 and 9 being independent. New claims 9-12 have been added by this amendment. No new matter has been added.

#### 35 U.S.C. § 103(a) Rejection

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellew (5,463,816) in view of Eichberger (5,815,934) and Van Swearingen (3,952,484). Applicant has amended the claims to obviate the rejection.

As amended, independent claim 1 recites a planer assembly that includes, among other features, a deflector having a tube section that has a substantially circular cross-section, a curved section that has a substantially U-shaped cross section, and a rib that is angled in relation to a longitudinal axis of the tube section, where the deflector is connectable to the exhaust aperture. Support for this amendment can be found in the specification at least, for example, in paragraph [0010] and Figure 3. Applicant respectfully request reconsideration and withdrawal of the rejection because Bellew, Eichberger and Van Swearingen, either alone or in combination, fail to describe or suggest a deflector having a rib that is angled in relation to a longitudinal axis of a tube section.

First, as acknowledged in the Office Action on page 3, Bellew does not disclose a deflector having a curved section with a substantially U-shaped cross section. Second, Bellew does not describe or suggest a deflector having a rib that is angled in relation to a longitudinal axis of a tube section.

Eichberger does not remedy the failure of Bellew to describe or suggest a deflector having a rib that is angled in relation to a longitudinal axis of a tube section. Instead, Eichberger discloses a rib 56 that is not angled in relation to a longitudinal axis of tubular area 54. See Eichberger, col. 5, lines 7-14 and Fig. 11.

Van Swearingen does not remedy the failures of Bellew and Eichberger to describe or suggest these features.

For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claim 1 and it dependent claims 2-5.

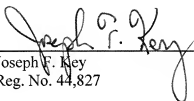
Applicants submit that all claims are in condition for allowance.

Please charge deposit account 02-2548 for the one (1) month extension of time fee.

Please apply any deficiencies or credits to deposit account 02-2548.

Respectfully submitted,

Date: 8/28/2006

  
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